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EXAMINER	
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ART UNIT	PAPER NUMBER
2876	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/876,432	BERQUIST ET AL.	
	Examiner	Art Unit	
	Kumiko C. Koyama	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- ✓ Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-8,10-13,15-24,39-49,75-78 and 80-102* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-8,10-13,15-24,39-49,75-78 and 80-102* is/are rejected.

7)☒ Claim(s) *17 and 24* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *0307, 0407*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Amendment received on May 21, 2007 has been acknowledged.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 3-8, 10-13, 15-24 and 48-49 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 60 and 64-77 of copending Application No. 09/882,969 (herein after '969 application). Although the conflicting claims are not identical, they are not patentably distinct from each other because the present claimed invention is a broader recitation of the '969 application.

Re claim 1 of the present invention: Claim 1 of the present invention recites "A method of collecting information related to RFID tags associated with items of interest, comprising the

steps of: (a) selecting a category of items using a user interface associated with an RFID reader; (b) using the RFID reader to interrogate at least one RFID tag associated with an item of interest; and (c) associating information related to the at least one item with the selected cateogy."

Re claim 60 of '969 application: Claim 60 of the '969 invention recites "A method of interrogating RFID tags associated with items of interest, comprising the steps of: (a) selecting at least one category of items using a user interface associated with an RFID reader; (b) interrogating RFID tags associated with items, at least one of which is within the category of items; (c) categorizing information related to the at least one item(s) associated with the interrogated RFID tag(s) in at least one of the categories; and (d) ignoring any RFID-tagged-item that may not be categorized in at least one category."

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 1-8, 12, 13; 15, 16, 18-23, 75-78, 80-84 and 87-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garber et al (US 6,232,870) in view of Davidsson (US 6,934,718).

Re claims 1, 8, 18, 75, 76 and 91: Garber discloses a method of using a portable RFID device with a group of items each having an RFID tag that comprises a step of inputting information to the device describing a certain item or class of items (col 18, lines 55-60). Garber discloses that the device could be programmed with specific information identifying certain items that an operator wishes to locate. The unique identifier for each desired item would be stored in a reserved memory location in the handheld computer (col 16, lines 37-41). Such inputting information to the device describing a certain item or class of item teaches selecting using a user interface associated with an RFID reader. Garber also discloses scanning the RFID tags associated with each item in the group of items (col 18, lines 60-62). Specifically, Garber discloses that as the identifiers of items on a shelf were read by the RF reader, each would be compared, using standard software routinges known to those skilled in the art, with the list of items stored in memory (col 16, lines 41-45). Such disclosure teaches that the RFID reader interrogates at least one RFID tag associated with an time of interest after the input of the identifying information, and also teaches that the item of interest is not currently associated because Garber teaches the association is being determined by the comparison. Since Garber obtains the unique identifier of items by the RF reader, the information necessary to categorize each RFID-tagged item is the unique identifier, which is obtained from the RFID tag itself.

Garber fails to teach that the inputted information is a category and associating information obtained with the category selected. Garber also does not specifically teach saving the categorized information. Garber also fails to teach selecting two cateogires.

Davidsson discloses categorizing and retrieving items. Davidsson discloses that the user wishes to categorise the web page in terms of both sports and newspaper and so the mouse cursor

32 is moved to operate buttons 33 and 34 so as to dispense a graphical representation of both red and blue ink 39, 40 onto the web page displayed in window 38 (col 5, lines 40-44). Such disclosure teaches selecting at least two categories of items using a user interface, and the categories sports and newspaper are specified attributes and represents a portion of an entire group of items. Davidsson also discloses that web page A is displayed in window 28, ready to be book marked (col 5, lines 38-40), which shows that the web page was not associated with the categories selected. Davidsson also discloses that to this end, thumbnail data is assembled in a manner known per se and attached to the URL for Page A. Also, the marker signal flags CM1=1, CM2=1 and CM3=0 are collocated with the URL and the thumbnail data (col 5, lines 47-52). Such disclosure teaches associating and categorizing the item with the category selected. Davidsson also discloses that the processor 9 runs a book marking process 28 such that book marked data corresponding to Table 2 is stored in the book marked web page cache 29 shown in FIG. 3 (col 5, lines 44-47), which teaches saving the categorized information in a database. Davidsson further discloses that it may be appropriate to bookmark a web page without using category marker signals (col 5, lines 59-61), which shows ignoring the item that may not be categorized in any of the categories. Davidsson further discloses that the book marking and retrieval process may be used to bookmark program information in a TV program guide in order to enable the user to categorise links to TV programs which may be stored in the storage medium (col 6, lines 50-57). Davidsson further discloses that the storage device is a floppy disc drive, a hard disc, a CD or DVD ROM Drive (col 3, lines 9-10).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Davidsson to the teachings of Garber such

each item can be easily retrieved later using the categorized information, so that the user does not have to remember exact title, name or volume of the book. Such modification not only helps the user retrieve forgettable titles, but also provide a faster retrieving system for library employees as well.

Re claims 3 and 78: As described above, Davidsson discloses that a graphical representation of the category is displayed in window 38. Davidsson further discloses a display device 2 (col 3, lines 28-31).

Re claims 4, 13, 20, 78 and 93: As described above, Davidsson discloses that the categories are sports and newspaper. The categories are displayed on the display (Fig. 5).

Re claims 5 and 80: Garber further discloses shelf information that is to associate each item with a location (col 17, lines 22-30). The correct shelf location is obtained by reading several RFID tags and heuristically processing the data to infer a location (col 17, lines 45-52).

Re claims 6 and 81: As described above, Garber discloses a method of using a portable RFID device with a group of items each having an RFID tag that comprises a step of inputting information to the device describing a certain item or class of items (col 18, lines 55-60

Re claims 7 and 82: Davidsson further discloses that the book marking and retrieval process may be used to bookmark program information in a TV program guide in order to enable the user to categorise links to TV programs which may be stored in the storage medium (col 6, lines 50-57). Davidsson further discloses a display device 2 (col 3, lines 28-31).

Re claim 12: Garber discloses that the hand-held RFID device cdould also be used to determine whether all members of a set of associated items are present together (col 17, lines 10-16).

Re claim 13: As described in Davidsson, Davidsson describes that one category is sports and one category is newspaper. The categories describe a different types of items.

Re claims 15, 16, 23 and 94: Garber also discloses that a list of items not checked-in could be obtained and then downloaded to the hand-held device or the RFID tag could maintain a memory location to indicate the check-in status of an item (col 17, lines 1-5). Garber also discloses obtaining the desired shelf location from a library database and then download those locations as part of the transfer to data to the hand-held device (col 17, lines 40-43). Also as described above, Davidsson further discloses that the book marking and retrieval process may be used to bookmark program information in a TV program guide in order to enable the user to categorise links to TV programs which may be stored in the storage medium (col 6, lines 50-57). Davidsson further discloses that the storage device is a floppy disc drive, a hard disc, a CD or DVD ROM Drive (col 3, lines 9-10).

Re claims 19, 77 and 92: As described above, Davidsson also discloses that the processor 9 runs a book marking process 28 such that book marked data corresponding to Table 2 is stored in the book marked web page cache 29 shown in FIG. 3 (col 5, lines 44-47), which teaches saving the categorized information in a database.

Re claim 20: As described in Davidsson, Davidsson describes that one category is sports and one category is newspaper.

Re claims 21 and 22: Garber also discloses that a list of items not checked-in could be obtained and then downloaded to the hand-held device or the RFID tag could maintain a memory location to indicate the check-in status of an item (col 17, lines 1-5). Such disclosure teaches that

the determination can be made on either the information obtained from the RFID tag itself or the information obtained from a databased stored in memory of the RFID reader.

Re claim 83: Garber discloses a method of using a portable RFID device with a group of items each having an RFID tag that comprises a step of inputting information to the device describing a certain item or class of items (col 18, lines 55-60). Garber discloses that the device could be programmed with specific information identifying certain items that an operator wishes to locate. The unique identifier for each desired item would be stored in a reserved memory location in the handheld computer (col 16, lines 37-41). Such inputting information to the device describing a certain item or class of item teaches selecting using a user interface associated with an RFID reader. Garber also discloses scanning the RFID tags associated with each item in the group of items (col 18, lines 60-62). Specifically, Garber discloses that as the identifiers of items on a shelf were read by the RF reader, each would be compared, using standard software routinges known to those skilled in the art, with the list of items stored in memory (col 16, lines 41-45). Such disclosure teaches that the RFID reader interrogates at least one RFID tag associated with an time of interest after the input of the identifying information, and also teaches that the item of interest is not currently associated because Garber teaches the association is being determined by the comparison. Since Garber obtains the unique identifier of items by the RF reader, the information necessary to categorize each RFID-tagged item is the unique identifier, which is obtained from the RFID tag itself.

Garber fails to teach that the inputted information is a category and associating information obtained with the category selected. Garber also does not specifically teach saving the categorized information. Garber also fails to teach selecting two cateogires.

Davidsson discloses categorizing and retrieving items. Davidsson discloses that the user wishes to categorise the web page in terms of both sports and newspaper and so the mouse cursor 32 is moved to operate buttons 33 and 34 so as to dispense a graphical representation of both red and blue ink 39, 40 onto the web page displayed in window 38 (col 5, lines 40-44). Such disclosure teaches selecting at least two categories of items using a user interface, and the categories sports and newspaper are specified attributes and represents a portion of an entire group of items. Davidsson also discloses that web page A is displayed in window 28, ready to be book marked (col 5, lines 38-40), which shows that the web page was not associated with the categories selected. Davidsson also discloses that to this end, thumbnail data is assembled in a manner known per se and attached to the URL for Page A. Also, the marker signal flags CM1=1, CM2=1 and CM3=0 are collocated with the URL and the thumbnail data (col 5, lines 47-52). Such disclosure teaches associating and categorizing the item with the category selected. Davidsson also discloses that the processor 9 runs a book marking process 28 such that book marked data corresponding to Table 2 is stored in the book marked web page cache 29 shown in FIG. 3 (col 5, lines 44-47), which teaches saving the categorized information in a database. Davidsson further discloses that it may be appropriate to bookmark a web page without using category marker signals (col 5, lines 59-61), which shows ignoring the item that may not be categorized in any of the categories. Davidsson further discloses that the book marking and retrieval process may be used to bookmark program information in a TV program guide in order to enable the user to categorise links to TV programs which may be stored in the storage medium (col 6, lines 50-57). Davidsson further discloses that the storage device is a floppy disc drive, a hard disc, a CD or DVD ROM Drive (col 3, lines 9-10).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Davidsson to the teachings of Garber such each item can be easily retrieved later using the categorized information, so that the user does not have to remember exact title, name or volume of the book. Such modification not only helps the user retrieve forgettable titles, but also provide a faster retrieving system for library employees as well.

Although Garber does not specifically disclose enabling the user to correct the inventory list in real time by confirming that the item is absent using a user interface associated with the RFID reader, Garber discloses that the user may input the new status of the article into the hand-held RFID device (col 18, lines 1-2). Garber further discloses that because this information must be entered, it saves the operator time to be able to indicate this state directly and immediately as opposed to waiting until he or she can access the terminal (col 18, lines 1-6).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Garber and provide new status of the article because such that the operator can correct the database as quickly as possible while the user still remembers and so that others are able to retrieve the most updated information as well. Such modification not only delivers the information quickly, but also provides the user to update at the spot without waiting to go back to the main terminal.

Re claim 84: As described above, Davidsson also discloses that the processor 9 runs a book marking process 28 such that book marked data corresponding to Table 2 is stored in the book marked web page cache 29 shown in FIG. 3 (col 5, lines 44-47), which teaches saving the categorized information in a database.

Re claim 87: Garber discloses that the hand-held RFID device cdould also be used to determine whether all members of a set of associated items are present together (col 17, lines 10-16).

Re claim 88: As described in Davidsson, Davidsson describes that one category is sports and one category is newspaper. The categories describe a different types of items.

Re claims 89 and 90: Garber also discloses that a list of items not checked-in could be obtained and then downloaded to the hand-held device or the RFID tag could maintain a memory location to indicate the check-in status of an item (col 17, lines 1-5). Garber also discloses obtaining the desired shelf location from a library database and then download those locations as part of the transfer to data to the hand-held device (col 17, lines 40-43). Also as described above, Davidsson further discloses that the book marking and retrieval process may be used to bookmark program information in a TV program guide in order to enable the user to categorise links to TV programs which may be stored in the storage medium (col 6, lines 50-57). Davidsson further discloses that the storage device is a floppy disc drive, a hard disc, a CD or DVD ROM Drive (col 3, lines 9-10).

5. Claims 10, 11, 85 and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garber in view of Davidsson as applied to claims 8 and 83 above, and further in view of Beauchamp (US 6,886,011). The teachings of Garber as modified by Davidsson have been discussed above.

Re claims 10 and 85: Garber as modified by Davidsson fails to teach that the categories are mutually exclusive.

Beauchamp discloses that the other category systems referenced may be mutually exclusive or non-mutually exclusive systems (col 9, lines 8-10).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Beauchamp to the teachings of Garber as modified by Davidsson because when categories are mutually exclusive there is no overlap between categories and as a result, there are less items to look over for each category, and therefore, provides a faster search.

Re claims 11 and 86: Garber as modified by Davidsson fails to teach that the categories are not mutually exclusive.

Beauchamp discloses that the other category systems referenced may be mutually exclusive or non-mutually exclusive systems (col 9, lines 8-10).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Beauchamp to the teachings of Garber as modified by Davidsson because when categories are not mutually exclusive, it provides the items to be found in more one category, and therefore, when the user is looking for a particular subject, it provides the user to find the article in more than one category and therefore, providing the flexibility and increase in speed to find a certain item.

6. Claims 39-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garber et al (US 6,232,870).

Re claims 39: Garber discloses a handheld RFID device that could be programmed with specific information identifying certain items that an operator wishes to locate (col 16, lines 35-40). The unique identifier for each desired item would be stored in a reserved memory location

in the handheld computer (col 16, lines 39-41). As the identifiers of items on a shelf were read by the RF reader, each would be compared, using standard software routines known to those skilled in the art, with the list of items stored in memory (col 16, lines 41-45). Garber discloses that the RFID device of the present invention could also be used to verify the order of materials on a shelf (col 17, lines 17-18). The device scanned across one or more rows or item (col 17, lines 18-19). Such disclosure teaches interrogating RFID tags, each associated with an item to obtain information. The device has access to the shelving algorithm used by the library for the section being scanned, and the algorithms may be Dewey Decimal order, Library of Congress order, and Author last name/Title order (col 17, lines 21-25). Such disclosure teaches using the information obtained in the interrogation for performing a primary operation of determining whether the items are in a predetermined order within a physical storage area. Garber also discloses that the hand-held device could also be used to determine whether all members of a set of associated items are present together (col 17, lines 13-16). Garber also discloses that when a user takes a library material from its location, the user may input the new status of the article into the hand-held RFID device (col 17, lie 67-col 18, line 2).

Although Garber does not specifically disclose that the operation of determining whether items are in a predetermined order within the storage area and the background inventory operation of determining the presence or absence of the items in the storage area are performed simultaneously, Garber discloses that some books are grouped as a set of associated items and the set of associated items may be orders or volume, such as encyclopedia, which are in alphabetical order. It would be necessary to perform the order determination in order to determine which exact book or volume is missing from the set.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Garber and simultaneously perform the two operations because one operation necessitates the determination of the other in order to perform the determination as quickly as possible.

Re claims 40 and 41: Garber discloses a handheld RFID device that could be programmed with specific information identifying certain items that an operator wishes to locate (col 16, lines 35-40). Garber discloses that a list of item not check-in could be obtained and then downloaded to the hand-held device (col 17, lines 1-5). The unique identifier for each desired item would be stored in a reserved memory location in the handheld computer (col 16, lines 39-41). As the identifiers of items on a shelf were read by the RF reader, each would be compared, using standard software routines known to those skilled in the art, with the list of items stored in memory (col 16, lines 41-45). Reading the identifiers of items on a shelf teaches interrogating the RFID tags, each associated with an item. And each item identifier is compared using list of item not check-in teaches using the information obtained for performing a primary operation of searching for certain items on a predetermine search list or check-in. Garber also discloses that the hand-held device could also be used to determine whether all members of a set of associated items are present together (col 17, lines 13-16). Garber also discloses that when a user takes a library material from its location, the user may input the new status of the article into the hand-held RFID device (col 17, lie 67-col 18, line 2).

Although Garber does not specifically disclose that the operation of searching and the background inventory operation of determining the presence or absence of the items in the storage area are performed simultaneously, it would be necessary to perform searching for

certain items on a predetermined search list to determine the presence or absence of the items in the storage area.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Garber and simultaneously perform the two operations because one operation necessitates the determination of the other in order to perform the determination as quickly as possible.

Re claim 42: Garber discloses that the identifiers of items on a shelf were read by the RF reader (col 16, line 41-42). Garber discloses a library typically maintains a list of missing items, those items that are expected to be in the library, but cannot be found (col 16, lines 49-51). By downloading those missing item identifier to the hand-held device, the operator can pass the device by items and obtain feedback when a missing items is encountered (col 16, lines 50-55). The items on a shelf are compared using the software routine with the list of items stored in memory (col 16, lines 40-45). When a match occurred, the device would then create one or more visual, audio, tactile, or other signals indicating the presence of the item (col 16, lines 45-47). In the situation where list of missing items is used, the indication will show that the item is actually present in the library, and therefore, the indication to the user will represent that the inventory list as being incorrect.

Although Garber does not specifically disclose enabling the user to correct the inventory list in real time by confirming that the item is present using the user interface associated with the RFID reader, Garber discloses that the user may input the new status of the article into the hand-held RFID device (col 18, lines 1-2). Garber further discloses that because this information must

be entered, it saves the operator time to be able to indicate this state directly and immediately as opposed to waiting until he or she can access the terminal (col 18, lines 1-6).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Garber and provide new status of the article because such that the operator can correct the database as quickly as possible while the user still remembers and so that others are able to retrieve the most updated information as well. Such modification not only delivers the information quickly, but also provides the user to update at the spot without waiting to go back to the main terminal.

Re claims 43 and 44: Garber discloses a touch-screen display (col 15, line 2).

Re claim 45: Garber discloses a determination of which shelf is currently being processed in order to search items with non-matching locations (col 17, lines 45-49). The correct shelf locations I obtained by reading several RFID tags and heuristically processing the data to infer a location (col 17, lines 45-49). Garber discloses the RFID device reads a certain number of tags that are indexed to the Adult fiction area (col 17, lines 51-52). Such disclosure teaches using an RFID reader to interrogate RFID tags each associated with an item. Garber discloses that the device can be programmed to alert the user when non-Adult Fiction items are encountered (col 17, lines 51-53). Such disclosure teaches determining whether an item represented on the inventory list as being present is among the items whose RFID tags were interrogated, and when the item is not among the item whose RFID tags were interrogated, indicating to the user in real time that the inventory list is incorrectly indicates the item is present.

Although Garber does not specifically disclose enabling the user to correct the inventory list in real time by confirming that the item is absent using a user interface associated with the

RFID reader, Garber discloses that the user may input the new status of the article into the hand-held RFID device (col 18, lines 1-2). Garber further discloses that because this information must be entered, it saves the operator time to be able to indicate this state directly and immediately as opposed to waiting until he or she can access the terminal (col 18, lines 1-6).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Garber and provide new status of the article because such that the operator can correct the database as quickly as possible while the user still remembers and so that others are able to retrieve the most updated information as well. Such modification not only delivers the information quickly, but also provides the user to update at the spot without waiting to go back to the main terminal.

Re claims 46 and 47: Garber discloses a touch-screen display (col 15, line 2).

7. Claims 48, 49, 95-98 and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garber et al (US 6,232,870) in view of Frich (US 6,074,156)

Re claims 48, 95 and 96: Garber discloses that the RFID device could also be used to verify the order of materials on a shelf (col 17, lines 17-18). The device is scanned across one or more rows or items. The device reads each item and indicates, to the operator, which items are not shelved in the correct order (col 17, lines 19-21). Such disclosure teaches using RFID reader to interrogate RFID tags, each associated with an item, wherein the items are not currently located at desired locations in a physical storage area, and the items are not currently arranged or interrogated in an order associated with their desired locations in the physical storage area. The device has access to the shelving algorithm used by the library for the section being scanned (col

17, lines 21-22). Such algorithms include: Dewey Decimal order, Library of Congress order, and Author last name/Title order (col 17, lines 23-26).

Garber fails to teach that items are to be moved from their current location to their desired location in the physical storage area.

Frich disclose that librarian's tasks involve receiving, sorting, and ultimately re-shelving material returned from patrons (col 1, lines 19-21). Frich also discloses that in order to minimize problems and injuries involving these tasks, procedures have been developed to provide some degree of automation in such receiving, sorting and re-shelving tasks (col 1, lines 30-33).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Frich to the teachings of Garber and provide and order of the correct shelving order such that it is faster and easier for the librarian to handle to re-shelving process.

Re claim 49: Garber discloses that a suitable display may advise the operator as to the status of the operation.

Re claim 97: Garber also discloses comparing a description of the items obtained using the information obtained from the RFID elements to the algorithm to determine whether the scanned items are in the algorithm order (col 19, lines 23-27).

Re claim 101: Garber teaches that after the RFID device reads the RFID tag, the device transmits the item identification information to a computer having software (col 11, lines 40-45).

8. Claims 99 and 100 rejected under 35 U.S.C. 103(a) as being unpatentable over Garber in view of Frich as applied to claim 97 above, and further in view of Barritz et al (US Patent

Application Publication 2002/0008621). The teachings of Garber as modified by Frich have been discussed above.

Re claims 99 and 100: Garber fails to teach creating a list of items that are not on the ordered list.

Barrtiz teaches that when a bar code is scanned, the scanned code is verified against the database. If an entry is not found, the user may be prompted to enter descriptive information about the item at which point a new inventory item is created (Page 2, Paragraph [0045], lines 1-5). Since Barrtiz verifies against the database and locates the entry, Barritz also teaches simultaneously determining the presence or absence of the item because if the item is verified, it is present, and if the item is not verified, then it is absence. With Barritz teaching the item is either present or absence, therefore, it must be one or the other.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Barritz to the teachings of Garber as modified by Frich such that the user is notified to create a new category for the non-matching item to ensure that the each and every item is categorized. By ensuring that every item belongs to a category, the user is able to locate the item in a faster manner.

9. Claims 102 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garber in view of Frich as applied to claim 97 above, and further in view of Parulski et al (US 5,633,678). The teachings of Garber as modified by Frich have been discussed above.

Parulski teaches a removable data storage device

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Parulski to the teachings of Garber as

modified by Frich because flash EPROM memory is a small device that contains a lot of memory space and therefore, it is easy for the user to carry around such compact device. Such modification provides the user to easily transport the list to other devices such that other devices will also have the same list to share.

Response to Arguments

10. Applicant's arguments filed May 21, 2007 have been fully considered but they are not persuasive.

With respect to arguments for claims 1, 8, 18, 75 and 91, Applicant submits that neither Davidsson nor Garber, alone or in combination, teaches or suggests selecting a category of items using a user interface associated with an RFID reader, and after selecting the category, using the RFID reader to interrogate at least one RFID tag associated with an item of interest to obtain information associated with the item of interest, wherein the item of interest is not currently associated with the selected category, and thereafter associating the obtained information with the selected category. The Examiner respectfully disagrees because Garber discloses that the identifies of items on a shelf were read by the RF reader, each would be compared, using standard software routines know to those skilled in the art, with the list of items stored in memory. In such case, the category must be specified before the reading of the tags occur. Although it appears that the Applicant intends to provides a different interpretation of the claims, with present claim, the Examiner believes that the Garber in view of Davidsson recite the limitation of the present claims. Furthermore, the Applicant submits that Garber fails to teach or suggest automatically categorizing the information. However, as described above, the

comparison is made according to a known software routine, and therefore, the categorization is made automatically. Similar explanation can be applied to arguments regarding claim 76.

With respect to arguments for claims 18 and 19, where the Applicant submits that the claims require using the RFID reader to categorize information. Although Davidsson does not specifically teach this feature, Garber discloses an RFID reader comprises the category information and processes information accordingly. Therefore, instead of Davidsson, Garber is the one teachings the RFID reader. Furthermore, the Applicant submits that Davidsson does not teach ignoring any RFID-tagged-item that may not be categorized in any category. However, the Examiner respectfully disagrees. The Examiner believes that by bookmarking a webpage without an associated category, the disclosure teaches ignoring because it is not providing any category to the item. The Applicant appears to submit that an uncategorized item is not considered as ignoring. However, the claims do not specifically describe how the claims are being ignore and does not claim that ignoring step includes not performing any kind of action. Therefore, the Examiner believes that Garber in view of Davidsson reads on the recited claims.

With respect to arguments for claim 75, the Applicant submits that the web page categories of sports and newspapers are not groups of physical items that represent a portion of an entire group of physical items having associated RFID tags. Applicant further submits that Davidsson teaches general categories in which web pages may be categorized. However, the Examiner believes that even if Davidsson were to teach a general cateogires in which web pages may be categorized, the claims still read on the claims. The claims do not differentiate between a general category and a category that represent a portion of an entire group of physical items having associated RFID tags. The Applicant also submits that web pages are not physical items

having associated RFID tags. However, Garber also teaches physical items having associated RFID tags. Davidsson is presented to teach the specifics and method of categorization. Therefore, the Examiner believes that Garber in view of Davidsson reads on the claimed limitation.

With respect to arguments for claim 83, the Applicant submits that "the information necessary to categorize each RFID-tagged items is the unique identifier" contradicts the acknowledgement that Garger fails to teach that a category is selected and associated. The Examiner respectfully disagrees because even though the Applicant intends to convey the same meaning between "information necessary to categorize" and "selecting a category," there are differences in the claim language, which leads to a different interpretation during examination. Furthermore, Applicant submits that the prior art does not teach using the information obtained by the interrogation for performing the determining and updating as a background inventory operation. However, the Examiner respectfully disagrees because as provided in the office action, Garber discloses that as the identifiers of items on a shelf were read by the RF reader, each would be compared, using standard software routines know to those skilled in the art. Such disclosure teaches the claimed limitation.

With respect to arguments for claims 39-41, the Applicant submits that that there is no indication that determining the order of items in a set is required to determine the identify of a missing item. However, the Examiner believes that this is an obvious modification because Garber also teaches that the set of associated items may be orders or volume, and when the order or volume is not in it's designated order/location, then it is at least missing from his original location. And because Garber teaches that a software routine is used to compare items with the a

list of items and teaches certain items are in order, it would have been obvious to perform the order determination in order to determine the order and accordingly the missing items.

With respect to arguments for claim 45, the Applicant submits that there is no indication that when the item is not among the item whose RFID tags were interrogated. However, if the teachings of Garber discloses that the device can be programmed to alert the user when non-Adult Fiction items are encountered, the device is also capable of alerting the user when the item is not among the item whose RFID tags were interrogated. Therefore, an obvious modification can be made. Furthermore, Garber teaches enabling the user to correct the inventory list. In order to make correction, there must be some kind of notification of the need to correct.

With respect to arguments for claims 48, 49 and 95-102, the Applicant submits that that the Examiner acknowledged that Garber fails to teach or suggest organizing, with the RFID reader. However, the Examiner respectfully disagrees. As provided in the office action, the Examienr admits that Garber fails to teach that the items are to be moved from their current location to their desired location in the physical storage area. However, Garber does disclose the function and processes of the RFID reader capabilities and are able to perform these tasks mechanically. The Examiner presents Frich for the specific step to be performed, not for the specifics of the RFID reader.

Allowable Subject Matter

11. Claims 17 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Garber in view of Davidsson as described above in the body of the rejection fails to teach that the removable data storage device is flash memory card.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 571-272-2394. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kumiko C Koyama

Kumiko C. Koyama
August 06, 2007

LISA CAPUTO
PRIMARY PATENT EXAMINER